

TROY LAW, PLLC

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February 14, 2022

Application granted. The time within which Plaintiff may seek default against Defendants is extended to and including February 28, 2022.

Plaintiff is directed to serve a copy of this Order on Defendants and file proof of service on the docket by 5:00 p.m. on February 17, 2022.

The Clerk of the Court is respectfully directed to terminate the motion sequence pending at Doc. 76.

SO ORDERED.



Philip M. Halpern
United States District Judge

Dated: White Plains, New York
February 15, 2022

**Time to File Default Judgment as to All Defendants
Tarrytown, Inc et al. No. 20-cv-08245 (P.M.H.) (S.D.N.Y.)**

This office represents the Plaintiffs in the above referenced matter. We write in response to Your Honor order dated January 3, 2022, that Plaintiffs are to seek a default judgement against Defendants by February 14, 2022. Plaintiffs respectfully request for a brief extension of time to move for Default Judgement as to all Defendants from February 14, 2022 to February 28, 2022. This is plaintiffs first request and granting such request will not prejudice any party in the matter for all Defendants are in Default.

On December 31, 2021, plaintiffs requested an extension of time to move for Default as to Defendants Ruby Nail Tarrytown Inc and Edwin Keh ("Hereinafter Default Defendants") to until February 14, 2022. *See* Dkt No. 64. On January 3, 2022, Your Honor granted Plaintiffs Request for extension of time to file Default Judgement as to the Default Defendants to until February 14, 2022. *See* Dkt No. 66. On January 7, 2022, Plaintiff filed a letter reporting to the Court that the Automatic Stay in the Bankruptcy Proceeding against Mi Young Kal ("Hereinafter Stayed Defendant") was lifted and that the case could proceed against her. Additionally in their letter, Plaintiff requested the court to hold a conference to decide the next steps pertaining to the case and the stayed defendant. *See* Dkt No. 68. On February 2, 2022, Your Honor denied Plaintiff's request for a conference and deemed it unnecessary and informed Plaintiff that they could move for Default Judgment in conjunction with the other Default Defendants. *See* Dkt. No. 69.

Plaintiff requests an extension of time to move for Default Judgement as to all Defendants for Plaintiff needs some additional time to fix their Default Motion papers to reflect all the Defendants rather than just the Default Defendants. Plaintiffs' papers only reflected their Request for Default Judgement as to the Defaulting Defendant and not to the stayed Defendant. Since Plaintiff can move for Default Judgement as to all Defendants, rather than file two motions and waste the judicial resources associated with that Plaintiff needs a little bit of time to file one motion for all Defendants. Additionally, Plaintiff's counsel in the beginning was having a little

Hon. Philip M. Halpern, U.S.D.J.

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bit of trouble getting a hold of their client for them to go over the Affidavit in Support of their Default Motion. Plaintiff's counsel though has been in contact with their client and she has stated that the earliest she can come to Plaintiff's office to go over her affidavit in support to the Default Judgement is this Sunday, February 20, 2022.

For the reasons stated above, Plaintiff respectfully request a brief extension of time from February 14, 2022 to February 28, 2022 to move file their Default Judgement Papers as to all Defendants in the action.

We thank the Court for its attention to and consideration of this matter and apologize for the inconvenience.

Respectfully submitted,

TROY LAW, PLLC

/ Aaron Schweitzer

Aaron Schweitzer

Attorney for Plaintiffs

cc: via First Class Mail
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AS/gd